IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 21734 of 2007(K)

PETITIONER:

SOMAN P.S.,
PADATHUPARAMBIL HOUSE, P.O. POYYA,
MALA, THRISSUR DISTRICT.

BY ADV. SMT.T.N.GIRIJA
SRI.S.SUJIN

RESPONDENTS:
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1. THE MANAGER,
A.K.M. HIGH SCHOOL, POYYA, IRINJALAKUDA,
THRISSUR DISTRICT.

2. THE DISTRICT EDUCATIONAL OFFICER,
IRINJALAKKUDA.

3. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE
SRI.P.V.JAYACHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2007, ALONG WITH WPC NO. 30236 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)Nos.21734 & 30236 OF 2007

Dated this the 7th day of December, 2007

JUDGMENT

In W.P. (C) No. 21734/07 the petitioner approached this Court at a time when the appointment of the petitioner in a leave vacancy was not being approved by the Educational Authorities. The Educational Authorities contended that they could not approve the same only because the Manager is not co-operating with them. In the above circumstances, in view of non-compliance with directions of the Educational Authorities, the Educational Authorities initiated proceedings for disqualification of the Manager. Inspite of the same, the Manager remained recalcitrant. Therefore, this Court directed the 2nd respondent in that writ petition to expedite the proceedings and ultimately the Deputy Director passed the orders disqualifying the 1st respondent from acting as the Manager of the School.

2. In the above circumstances, I passed the following order in that writ petition on 8.10.2007.

> "Govt. Pleader has filed a counter affidavit to the effect that orders have been passed by the Deputy Director disqualifying the first respondent from acting as Manager of the School. In the above circumstances, there would be an interim direction directing the second respondent, the District Educational Officer to act as the Manager of the A.K.M. High School, Poyya, Irinjalakuda, Thrissur District and to take up the question of approval of the petitioner's appointment in accordance with law. The first respondent is directed to hand over the files relating to the appointment of the petitioner to the DEO to enable him to consider the matter of approval of the petitioner's appointment. The Headmaster of the school shall also extend all possible assistance to the DEO for ascertaining whether the petitioner's appointment is liable to be approved. The D.E.O. shall pass orders within one month from the date of receipt of a copy of this order."

Now it is reported that the order has been complied with and the appointment of the petitioner has been duly approved. Accordingly, W.P.(C) No.21734/07 is closed without prejudice to the right of the petitioner to challenge that part of the approval whereby the approval is on daily wages.

3. In W.P.(c) No.30236/07, the petitioner is the

Manager of the School, who has been disqualified by the Deputy Director of Education as noted in the order in W.P. (C) No.21734/07. The petitioner has filed Ext.P10 application before the DEO for approval of her son Shri. Jose I. Ambookan as the Manager of the School. The petitioner now confines her relief for a direction to the DEO to consider and pass appropriate orders on Ext.P10 in accordance with law.

4. I have heard the learned Government pleader also. In the facts and circumstances of the case, there would be a direction to the 3rd respondent DEO to consider Ext.P10 application of the petitioner for approval of her son as the Manager as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

W.P. (C) No.30236/07 is disposed of as above.

S. SIRI JAGAN, JUDGE

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